

IN THE
UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

UNITED STATES OF AMERICA)
)
)
V.) No. 07 CR 755
) Judge Robert Gettleman
)
JAROSLAVA KLEPLOVA)

MOTION FOR RELEASE ON BOND

Defendant JAROSLAVA KLEPLOVA, by the Federal Defender Program and its attorney JOHN F. MURPHY, respectfully requests that the Court enter an order vacating the previously entered detention order and release the defendant on a bond secured by \$5,000.00, the signature of a third-party custodian, and regular, daily contact with the U.S. Pretrial Services office. In further support, defendant further states:

1. On November 15, 2007, Ms. Kleplova was charged in a six-count indictment with allegations of mail fraud. On the same day, a warrant was issued for her arrest.
2. On November 26, 2007, Ms. Kleplova was arrested, and appeared before Magistrate Judge Maria Valdez for an initial appearance.
3. On November 29, 2007, Ms. Kleplova appeared again before Judge Valdez for a detention hearing. A report prepared by the U.S. Pretrial Service office was provided to the court. At that time, upon advice of counsel, Ms. Kleplova waived the hearing without prejudice to raise the bond issue at a later time. Ms. Kleplova, therefore, was detained.
4. On December 11, 2007, at a status hearing before this Court, counsel for Ms. Kleplova

indicated that he wished to schedule a detention hearing. This Court indicated that the bond matter, in the first instance, should be raised before the magistrate judge.

5. On December 19, 2007, Ms. Kleplova appeared before Magistrate Judge Valdez on her Motion for Release on Bond. The court denied Ms. Kleplova's request for release.

6. On January 15, 2008, this Court denied Ms. Kleplova's request for release on bond. The Court indicated that it wanted Ms. Kleplova to reside with the third-party custodian as a condition of her release. Since that court appearance, Mr. Irwin Fisher, Ms. Kleplova's cousin, has agreed to serve not only as a third-party custodian, but to allow Ms. Kleplova to reside with him in his home in Morton Grove, Illinois.

7. Ms. Kleplova requests that the Court vacate the order of detention and enter a release order granting her a \$50,000 bond, secured by a 10% cash deposit of \$5,000. Additional conditions of release would require that she maintain regularly daily contact with the U.S. Pretrial Services office. Additionally, Mr. Irwin Fisher, a cousin of Ms. Kleplova, will act as third-party custodian, and will allow Ms. Kleplova reside with him in Morton Grove, Illinois.

6. This combination of conditions will assure that Ms. Kleplova does not pose a risk of flight as the government has suggested. No presumption against release exists in this case. Consequently, these proposed terms reasonably assure the appearance of Ms. Kleplova as required. 18 U.S.C. §3142.

Therefore, the defendant respectfully requests that this Court enter an order vacating the previously entered detention order and ordering that the defendant be released pursuant to the

above-suggested conditions.

Respectfully submitted,

FEDERAL DEFENDER PROGRAM
Terence F. MacCarthy
Executive Director

By: s/John F. Murphy
John F. Murphy

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CERTIFICATE OF SERVICE

The undersigned, John F. Murphy, an attorney with the Federal Defender Program hereby certifies that in accordance with FED.R.CRIM. P. 49, FED. R. CIV. P5, LR5.5, and the General Order on Electronic Case Filing (ECF), the following document(s):

MOTION FOR RELEASE ON BOND

was served pursuant to the district court's ECF system as to ECF filings, if any, and were sent by first-class mail/hand delivery on February 1, 2008, to counsel/parties that are non-ECF filers:

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